

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 7
)
BRONWYN SMITH O'DELL,) CASE NO. 08-67027-MHM
)
Debtor.)

ORDER GRANTING DEBTOR'S MOTION TO REOPEN

On July 30, 2008, the discharge order in this case was entered and the case closed. On August 13, 2008, Debtor filed a motion to reopen this case to file a reaffirmation agreement with Ford Motor Credit Company. Amendments to the motion to reopen were filed August 27, 2008, and September 17, 2008. Additionally, Debtor filed August 14, 2008, a reaffirmation agreement with M&I Bank FSB. The motion to reopen, as amended, show the reaffirmation agreements were executed by Debtor and the creditor prior to entry of the discharge. Although Debtor's attorney did not execute the reaffirmation agreements until after the discharge, execution by Debtor's attorney does not appear to be an impediment to the enforceability of the agreements.


The bankruptcy court lacks jurisdiction to approve post-discharge reaffirmation agreements. *In re Gibson*, 256 B.R. 786 (Bankr. W.D. Mo. 2001). A post-discharge reaffirmation agreement is unenforceable. *Bankruptcy Receivables Management v. Lopez*, 345 F. 3d 701 (9th Cir. 2003). A reaffirmation agreement may be filed after entry of discharge if the agreement was made prior to the discharge. *In re LeBeau*, 247 B.R. 537 (Bankr. M.D. Fla. 2000); *In re Davis*, 273 B.R. 152 (Bankr. S.D. Ohio 2001); *In re Mason*, 2004 WL 5364003 (Bankr. N.D.Ga. 2004); accordingly, it is hereby

ORDERED that Debtor's motion to reopen is *granted*: this case is reopened to permit Debtor to file a reaffirmation agreement and to transact such other business as is permitted by Title 11 of the United States Code. Because this case is not being reopened to administer assets and because Debtor does not seek any further relief under the Bankruptcy Code, reappointment of a trustee is unnecessary. Additionally, the reopening of this case reverts no property of the debtor in the estate and imposes no automatic stay pursuant to § 362 of the Bankruptcy Code or otherwise. It is further

ORDERED that, unless an unresolved motion or application is pending, the Clerk, U.S. Bankruptcy Court, is authorized to close this case 90 days from the date of entry of this order, in the usual manner without the necessity of a final report from the Trustee.

The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Debtor, Debtor's attorney, the Chapter 7 Trustee, and all creditors and parties in interest.

IT IS SO ORDERED, this the 9th day of October, 2008.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE